

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/23/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00381SOM

CASE NAME: USA vs. Javier Martinez-Arellano

ATTYS FOR PLA: Louis Bracco  
DeeDee Apana-Yabuta (ICE)

ATTYS FOR DEFT: Donna Gray

INTERPRETER: Miguel Saibene

Neil Tsukayama (USPO)

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JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 2/23/2006

TIME: 3:00 - 3:35

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COURT ACTION: EP: Sentencing to the Indictment -

Defendant Javier Martinez-Arellano present, in custody, with interpreter Miguel Saibene, who was previously sworn.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 16 Months.

Supervised Release: 3 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant submit to removal proceedings, including deportation or exclusion as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) FCI Terminal Island.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.